

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GINA DIAKONOV,

Plaintiff,

Case No. 21-cv-11517
Hon. Matthew F. Leitman

v.

ROBERT C. MASI, D.D.S., P.C.,

Defendant.

ORDER TERMINATING DEFENDANT’S
MOTION TO DISMISS (ECF No. 6) WITHOUT PREJUDICE

On June 28, 2021, Plaintiff Gina Diakonov filed this employment discrimination action against her former employer, Robert C. Masi, D.D.S., P.C. (“Masi”). (*See* Compl., ECF No. 1.) Masi then a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 6.)

On August 7, 2021, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Diakonov leave to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by Masi in the motion to dismiss. (*See* Order, ECF No. 7.) The Court informed the parties that if Diakonov filed a First Amended Complaint, it would terminate without prejudice Masi’s motion to dismiss as moot. (*See id.*)

Diakonov filed a First Amended Complaint on August 23, 2021. (*See* Am. Compl., ECF No. 9.) Accordingly, the Court **TERMINATES WITHOUT PREJUDICE** Masi's motion to dismiss (ECF No. 6) **AS MOOT**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 5, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 5, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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